

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CFO17416WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/JP 03 / 09161	International filing date (day/month/year) 18.07.2003	Priority date (day/month/year) 19.07.2002	
International Patent Classification (IPC) or national classification and IPC Int.Cl G01N33/547, C12Q1/68, G01N33/53, G01N37/00, C12M1/00, C12N15/09			
Applicant CANON KABUSHIKI KAISHA			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand 17.02.2004	Date of completion of this report 11.08.2004	
Name and mailing address of the IPEA/JP Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan	Authorized officer Shoko YAMAMURA Telephone No. +81-3-3581-1101 Ext. 3252	2J 9217

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- international search (under Rules 12.3 and 23.1(b))
- publication of the international application (under Rule 12.4)
- international preliminary examination (under Rules 55.2 and/or 55.3).

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

the international application as originally filed/furnished

the description:

pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:

pages _____ as originally filed/furnished
 pages* _____ as amended (together with any statement) under Article 19
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the drawings:

pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (specify): _____
- any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	<u>4-6, 8, 10, 17-19, 21</u>	YES
	Claims	<u>1-3, 7, 9, 11-16, 20, 22</u>	NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-22</u>	NO
Industrial applicability (IA)	Claims	<u>1-22</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

D1 = JP 2001-305137 A (ISHIKAWA E) 2001.10.31
 D2 = JP 11-187900 A (CANON KK) 1999.07.13 & EP 895082 A
 D3 = JP 6-27109 A (SANYO CHEM IND LTD) 1994.02.04

Claims 1-3, 7, 9, 11-16, 20, 22

The subject matters of claims 1-3, 7, 9, 11-16, 20, 22 do not meet the requirement of novelty.

D1 (see [0015], [0016], [0020]) discloses a probe carrier having immobilized thereto a probe that is specifically bindable to a target substance, the probe being immobilized to the carrier through a spacer bound to the probe, first functional group bound to the linker and second functional group bound to the first functional group, wherein the first functional group and second functional group are positive charged groups (e.g., an amino group, an aminoethyl group) or negative charged groups (e.g., a sulfonate group, a carboxyl group).

Claims 4-5, 8, 17-18, 21

The subject matters of claims 4-5, 8, 17-18, 21 do not appear to involve an inventive step in view of the D1 and D2.

D2 (see EXAMPLE 1, [0048]) discloses a method of spotting a probe on a solid support. Example of DNA probe is 5'HS-(CH₂)₆-O-PO₂-O-ACTGGCCGTGGTTTACA3'. Solid support is treated with a silane coupling agent.

The person skilled in the art would easily conceive the idea of applying the technical features that probe has a linker at 3'-terminal or a 5'-terminal, linker is methylene chain, solid support is treated with a silane-coupling agent employed in D2 to the invention disclosed in D1.

Claims 6, 10, 19

The subject matters of claims 6, 10, 19 do not appear to involve an inventive step in view of the D1 and D3.

D3 (see [0014]) discloses a combination of an amino group with a thiol (mercapto) group is used as functional groups.

The person skilled in the art would easily conceive the idea of employed in D3 to the invention disclosed in D1.